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7	Attorneys for Defendant / Third-Party Plaintiff, WESTCHESTER SURPLUS LINES INSURANCE COMPANY		
8	SURI LUS LINES INSURANCE COMI AN	1	
9	UNITED STATES DISTRICT COURT		
10	NORHTERN DISTRICT OF CALIFORNIA		
11	SAN FRANCISCO		
12			
13		) CASE NO.: 3:10-cv-04611-RS	
14	SIERRA BAY CONTRACTORS, INC., A California Corporation,	) STIPULATION AND [PROPOSED]	
15	Plaintiff,	ORDER FOR DISMISSAL OF CONTINENTAL CASUALTY COMPANY AND NATIONAL FIRE	
16	vs.	INSURANCE COMPANY OF HARTFORD	
17	WESTCHESTER SURPLUS LINES	)	
18	INSURANCE COMPANY, a Georgia corporation, and DOES 1 through 50,	)	
19	inclusive,	)	
20	Defendants.	) )	
21	AND RELATED CROSS-ACTIONS	)	
22		_)	
23	Pursuant to F.R.C.P. 41, Defendant at	nd Third-Party Plaintiff, Westchester Surplus Lines	
24	Insurance Company ("Westchester"), and Third-Party Defendants, Continental Casualty Compan		
25	("Continental Casualty") and National Fire Insurance Company of Hartford "(National Fire"),		
26	have agreed and hereby stipulate to the dismissal of Continental Casualty and National Fire from		
27	Westchester's First Amended Third-Party Complaint, with prejudice, subject to said parties'		
28	mutual waiver of costs. Said parties request the Court's approval and execution of the below		

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- 1				
1	1 proposed order for dismissal.			
2	2 IT IS SO STIPULATED.			
3   4   5	4 DATE: December, 2012 COLL KEEN	IAU, ELENIUS, MURPHY CARLUCCIO, ER & MORRPW		
6 7 8 9	7 8 9 0 DATE: December 19, 2012 MOR.	TEPHEN RANDALL torneys for Third-Party Defendants, ONTINENTAL CASUALTY COMPANY and ATIONAL FIRE INSURANCE COMPANY F HARTFORD ALES, FIERRO & REEVES		
1 2 3 4 5	2   By:	/s/ David Astengo AVID A. ASTENGO torneys for Defendant and Third-Party hintiff, WESTCHESTER SURPLUS LINES SURANCE COMPANY		
.7	[PROPOSED] ORDER OF PARTIAL DISMISSAL  Having reviewed the above stipulation, the Court orders that Defendant and Third-Party			
8	8	•		
9	Plaintiff, Westchester Surplus Lines Insurance Company's, First Amended Third-Party Complain against Third-Party Defendants, Continental Casualty Company and National Fire Insurance			
0	0	Company of Hartford, be dismissed, with prejudice. The remainder of Westchester Surplus Lines		
1	Insurance Company's First Amended Third-Party C	Insurance Company's First Amended Third-Party Complaint shall not be changed or impacted by		
2	this Order.			
23	PURSUANT TO STIPULATION, IT IS SO ORDERED.			
25   26   27	United	DRABLE RICHARD SEEBORG  I States District Court  ern District of California		

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1	proposed order for dismissal.	
2	IT IS SO STIPULATED.	
3 4	DATE: December 19, 2012 COLLIAU, ELENIUS, MURPHY CARLUCCIO, KEENER & MORRPW	
5	Chil R. and	
6	By: Stephen Randall	
7 8	Attorneys for Third-Party Defendants, CONTINENTAL CASUALTY COMPANY and NATIONAL FIRE INSURANCE COMPANY	
9	OF HARTFORD	
10	DATE: December 19, 2012 MORALES, FIERRO & REEVES	
11		
12	By:	
13 14	DAVID A. ASTENGO Attorneys for Defendant and Third-Party Plaintiff, WESTCHESTER SURPLUS LINES	
15	INSURANCE COMPANY	
16		
17	[PROPOSED] ORDER OF PARTIAL DISMISSAL	
	Having reviewed the above stipulation, the Court orders that Defendant and Third-Party	
18	Plaintiff, Westchester Surplus Lines Insurance Company's, First Amended Third-Party Complaint	
19	against Third-Party Defendants, Continental Casualty Company and National Fire Insurance  Company of Hartford, be dismissed, with prejudice. The remainder of Westchester Surplus Lines  Insurance Company's First Amended Third-Party Complaint shall not be changed or impacted by	
20		
21		
22	this Order.	
23	PURSUANT TO STIPULATION, IT IS SO ORDERED.	
24		
<ul><li>25</li><li>26</li></ul>	Date: 12/19/12	
27	HONORABLE RICHAR SEEBORG United States District Court	
28	Northern District of California	